REMARKS

Claims 32-55 are pending in the application. Claims 38 and 54 have been objected to. Claims 32-55 have been rejected under 35 U.S.C. §102(b) as being deemed anticipated over Massa et al. (U.S. Patent No. 6,658,469). Claims 32-55 have been rejected under 35 U.S.C. §103(a) as being deemed unpatentable over Massa et al. (U.S. Patent No. 6,658,469) in view of Berry (U.S. Patent No. 6,859,867). Of the Claims, Claims 32, 40, 44, and 48 are independent. Claims have been amended to clarify the Applicants' invention. The application as amended and argued herein, is believed to overcome the rejections.

Regarding Claim objections

Claims 38 and 54 have been objected to for errors of a typographical nature. Claims 38 and 54 have been amended to delete "; and" and insert "." as required by the Office. Removal of the objections to Claims 38 and 54 is respectfully requested.

Regarding rejections under 35 U.S.C. §102(b)

Claims 32-55 have been rejected under 35 U.S.C. §102(b) as being deemed anticipated over Massa et al. (U.S. Patent No. 6,658,469). Applicants respectfully submit that the rejection under 35 U.S.C. §102(b) is in error. Massa et al. was not patented more than one year prior to the date of application for patent for the subject application in the United States. In contrast, Massa et al. was patented (December 2, 2003) more than three years after the date of application (May 23, 2000) for patent for the subject application in the United States.

Even if Massa was to be considered prior art under 35 U.S.C. §102(b), Massa does not teach or suggest at least, "if the amount of data associated with the first transfer operation has not reached the maximum transfer capacity, associating data located in one or more portions of one or more other memory buffers with the first transfer operation", as required by, for example, claim 32 of the subject application.

In contrast, Massa merely discusses two modes of transferring data – message and remote direct memory access (RDMA). If the size of the data to be transferred is below a threshold size, the data is transferred using a message. If the size of the data to be transferred is above the

threshold size and receiving buffers are sufficient size, the data is transferred using RDMA. There is no teaching or suggestion of an association of data in a buffer with a transfer operation (or subsequent transfer operations), where the association is dependent upon a maximum transfer capacity of the system. In contrast, the amount of data transferred is merely equal to the size of the set of receiving buffers provided. (*See*, Massa, for example, column 13, lines 43-49.)

The Office acknowledges that Claims 44-47 are patentably distinguished from Massa. (*See* Office Action, page 6, lines 2-3.) Thus, applicants' respectfully submit that the rejection of claims 44-47 under 35 U.S.C. §102(b) is in error.

Regarding rejections under 35 U.S.C. §103(a)

Claims 44-47 have been rejected under 35 U.S.C. §103(a) as being deemed unpatentable over Massa et al. (U.S. Patent No. 6,658,469) in view of Berry (U.S. Patent No. 6,859,867). Applicants respectfully submit that the rejection is in error. Berry does not qualify as prior art to the subject application because the filing date of the present application (May 23, 2000) is prior to the filing date (May 31, 2000) of Berry. Accordingly, Berry does not qualify as prior art that may be used to reject the subject application in an obviousness rejection under 35 U.S.C. §103(a). Thus, Applicants respectfully request that the rejection of claims 44-47 over Massa et al. in view of Berry be withdrawn.

Claims 33-39 are dependent claims that depend directly or indirectly on claim 32 which has already been shown to be patentably distinguished over the cited art.

Independent claims 40, 44 and 48 recite a like distinction and are thus patentably distinguished over the cited art. Claims 41-43 depend directly or indirectly on claim 40, claims 45-47 depend directly or indirectly on claim 44 and claims 49-55 depend directly or indirectly on claim 48 and are thus patentably distinguished over the cited references.

Therefore, separately or in combination, Massa and Berry do not teach or suggest the Applicants' claimed invention. Even if combined, the present invention as now claimed does not result as argued above.

Accordingly, the present invention as now claimed is patentably distinguished from the cited references. Removal of the rejections under 35 U.S.C. § 103(a) and 35 U.S.C. § 102(b) and acceptance of claims 32-55 is respectfully requested.

CONCLUSION

In view of the foregoing, it is submitted that all claims (claims 32-55) are in condition of allowance. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

Should an extension of time be necessary to respond to the outstanding Office Action, Applicants respectfully petition for an extension of time pursuant to 37 C.F.R. § 1.136(a). Please charge our Deposit Account No. 50-0221 to cover the fee for the extension.

Respectfully submitted,

Date: 12/2/05

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